

**COUNT LII
THE '472 PATENT**

**FALSE MARKING OF
0409-7985-25 - 0.45% SODIUM CHLORIDE INJECTION (250 ML)**

387. Plaintiff incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

388. Hospira manufactures and sells a product identified as 0409-7985-25 - 0.45% SODIUM CHLORIDE INJECTION (250 ML).

389. Since the Spin-off, Hospira has marked, and continues to mark each unit of 0409-7985-25 - 0.45% SODIUM CHLORIDE INJECTION (250 ML) with the '472 Patent.

390. Because the '472 Patent expired on August 17, 2001, years prior to the Spin-off, none of Hospira's units of 0409-7985-25 - 0.45% SODIUM CHLORIDE INJECTION (250 ML) has ever been covered by the '472 Patent.

391. Hospira knew or reasonably should have known that each unit of the 0409-7985-25 - 0.45% SODIUM CHLORIDE INJECTION (250 ML) it has manufactured and sold was not covered by the '472 Patent.

392. Hospira has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of 0409-7985-25 - 0.45% SODIUM CHLORIDE INJECTION (250 ML) with the '472 Patent for the purpose of deceiving the public.

**COUNT LIII
THE '472 PATENT**

**FALSE MARKING OF
0409-7985-30 - 0.45% SODIUM CHLORIDE INJECTION (500 ML)**

393. Plaintiff incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

394. Hospira manufactures and sells a product identified as 0409-7985-30 - 0.45% SODIUM CHLORIDE INJECTION (500 ML).

395. Since the Spin-off, Hospira has marked, and continues to mark each unit of 0409-7985-30 - 0.45% SODIUM CHLORIDE INJECTION (500 ML) with the '472 Patent.

396. Because the '472 Patent expired on August 17, 2001, years prior to the Spin-off, none of Hospira's units of 0409-7985-30 - 0.45% SODIUM CHLORIDE INJECTION (500 ML) has ever been covered by the '472 Patent.

397. Hospira knew or reasonably should have known that each unit of the 0409-7985-30 - 0.45% SODIUM CHLORIDE INJECTION (500 ML) it has manufactured and sold was not covered by the '472 Patent.

398. Hospira has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of 0409-7985-30 - 0.45% SODIUM CHLORIDE INJECTION (500 ML) with the '472 Patent for the purpose of deceiving the public.

**COUNT LIV
THE '472 PATENT**

**FALSE MARKING OF
0409-7985-48 - 0.45% SODIUM CHLORIDE INJECTION (1000 ML)**

399. Plaintiff incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

400. Hospira manufactures and sells a product identified as 0409-7985-48 - 0.45% SODIUM CHLORIDE INJECTION (1000 ML).

401. Since the Spin-off, Hospira has marked, and continues to mark each unit of 0409-7985-48 - 0.45% SODIUM CHLORIDE INJECTION (1000 ML) with the '472 Patent.

402. Because the '472 Patent expired on August 17, 2001, years prior to the Spin-off, none of Hospira's units of 0409-7985-48 - 0.45% SODIUM CHLORIDE INJECTION (1000 ML) has ever been covered by the '472 Patent.

403. Hospira knew or reasonably should have known that each unit of the 0409-7985-48 - 0.45% SODIUM CHLORIDE INJECTION (1000 ML) it has manufactured and sold was not covered by the '472 Patent.

404. Hospira has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of 0409-7985-48 - 0.45% SODIUM CHLORIDE INJECTION (1000 ML) with the '472 Patent for the purpose of deceiving the public.

**COUNT LV
THE '472 PATENT**

**FALSE MARKING OF
0409-7990-09 - STERILE WATER (1000 ML)**

405. Plaintiff incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

406. Hospira manufactures and sells a product identified as 0409-7990-09 - STERILE WATER (1000 ML).

407. Since the Spin-off, Hospira has marked, and continues to mark each unit of 0409-7990-09 - STERILE WATER (1000 ML) with the '472 Patent.

408. Because the '472 Patent expired on August 17, 2001, years prior to the Spin-off, none of Hospira's units of 0409-7990-09 - STERILE WATER (1000 ML) has ever been covered by the '472 Patent.

409. Hospira knew or reasonably should have known that each unit of the 0409-7990-09 - STERILE WATER (1000 ML) it has manufactured and sold was not covered by the '472 Patent.

410. Hospira has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of 0409-7990-09 - STERILE WATER (1000 ML) with the '472 Patent for the purpose of deceiving the public.

**COUNT LVI
THE '765 PATENT**

**FALSE MARKING OF
0409-6138-03 - 0.9% SODIUM CHLORIDE IRRIGATION (500 ML)**

411. Plaintiff incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

412. Hospira manufactures and sells a product identified as 0409-6138-03 - 0.9% SODIUM CHLORIDE IRRIGATION (500 ML).

413. Since the Spin-off, Hospira has marked, and until March of 2007 continued to mark each unit of the 0409-6138-03 - 0.9% SODIUM CHLORIDE IRRIGATION (500 ML) with the '765 Patent.

414. Because the '765 Patent expired on December 12, 2000, years prior to the Spin-off, none of Hospira's units of 0409-6138-03 - 0.9% SODIUM CHLORIDE IRRIGATION (500 ML) has ever been covered by the '765 Patent.

415. Hospira knew or reasonably should have known that each unit of the 0409-6138-03 - 0.9% SODIUM CHLORIDE IRRIGATION (500 ML) it has manufactured and sold was not covered by the '765 Patent.

416. Hospira has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of 0409-6138-03 - 0.9% SODIUM CHLORIDE IRRIGATION (500 ML) with the '765 Patent until March of 2007 for the purpose of deceiving the public.

**COUNT LVII
THE '765 PATENT**

**FALSE MARKING OF
0409-6138-22 - 0.9% SODIUM CHLORIDE IRRIGATION (250 ML)**

417. Plaintiff incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

418. Hospira manufactures and sells a product identified as 0409-6138-22 - 0.9% SODIUM CHLORIDE IRRIGATION (250 ML).

419. Since the Spin-off, Hospira has marked, and until March of 2007 continued to mark the 0409-6138-22 - 0.9% SODIUM CHLORIDE IRRIGATION (250 ML) with the '765 Patent.

420. Because the '765 Patent expired on December 12, 2000, years prior to the Spin-off, none of Hospira's units of 0409-6138-22 - 0.9% SODIUM CHLORIDE IRRIGATION (250 ML) has ever been covered by the '765 Patent.

421. Hospira knew or reasonably should have known that each unit of the 0409-6138-22 - 0.9% SODIUM CHLORIDE IRRIGATION (250 ML) it has manufactured and sold was not covered by the '765 Patent.

422. Hospira has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of 0409-6138-22 - 0.9% SODIUM CHLORIDE IRRIGATION (250 ML) with the '765 Patent until March of 2007 for the purpose of deceiving the public.

**COUNT LVIII
THE '765 PATENT**

**FALSE MARKING OF
0409-6147-36 - 0.45% SODIUM CHLORIDE IRRIGATION (1500 ML)**

423. Plaintiff incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

424. Hospira manufactures and sells a product identified as 0409-6147-36 - 0.45% SODIUM CHLORIDE IRRIGATION (1500 ML).

425. Since the Spin-off, Hospira has marked, and until March of 2007 continued to mark the 0409-6147-36 - 0.45% SODIUM CHLORIDE IRRIGATION (1500 ML) with the '765 Patent.

426. Because the '765 Patent expired on December 12, 2000, years prior to the Spin-off, none of Hospira's units of 0409-6147-36 - 0.45% SODIUM CHLORIDE IRRIGATION (1500 ML) has ever been covered by the '765 Patent.

427. Hospira knew or reasonably should have known that each unit of the 0409-6147-36 - 0.45% SODIUM CHLORIDE IRRIGATION (1500 ML) it has manufactured and sold was not covered by the '765 Patent.

428. Hospira has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of 0409-6147-36 - 0.45% SODIUM CHLORIDE IRRIGATION (1500 ML) with the '765 Patent until March of 2007 for the purpose of deceiving the public.

**COUNT LIX
THE '765 PATENT**

**FALSE MARKING OF
0409-7118-07 - STERILE WATER FOR INJECTION (2000 ML)**

429. Plaintiff incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

430. Hospira manufactures and sells a product identified as 0409-7118-07 - STERILE WATER FOR INJECTION (2000 ML).

431. Since the Spin-off, Hospira has marked, and continues to mark the 0409-7118-07 - STERILE WATER FOR INJECTION (2000 ML) with the '765 Patent.

432. Because the '765 Patent expired on December 12, 2000, years prior to the Spin-off, none of Hospira's units of 0409-7118-07 - STERILE WATER FOR INJECTION (2000 ML) has ever been covered by the '765 Patent.

433. Hospira knew or reasonably should have known that each unit of the 0409-7118-07 - STERILE WATER FOR INJECTION (2000 ML) it has manufactured and sold was not covered by the '765 Patent.

434. Hospira has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of 0409-7118-07 - STERILE WATER FOR INJECTION (2000 ML) with the '765 Patent for the purpose of deceiving the public.

**COUNT LX
THE '765 PATENT**

**FALSE MARKING OF
0409-7119-07 - 50% DEXTROSE INJECTION (2000 ML)**

435. Plaintiff incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

436. Hospira manufactures and sells a product identified as 0409-7119-07 - 50% DEXTROSE INJECTION (2000 ML).

437. Since the Spin-off, Hospira has marked, and continues to mark the 0409-7119-07 - 50% DEXTROSE INJECTION (2000 ML) with the '765 Patent.

438. Because the '765 Patent expired on December 12, 2000, years prior to the Spin-off, none of Hospira's units of 0409-7119-07 - 50% DEXTROSE INJECTION (2000 ML) has ever been covered by the '765 Patent.

439. Hospira knew or reasonably should have known that each unit of the 0409-7119-07 - 50% DEXTROSE INJECTION (2000 ML) it has manufactured and sold was not covered by the '765 Patent.

440. Hospira has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of 0409-7119-07 - 50% DEXTROSE INJECTION (2000 ML) with the '765 Patent for the purpose of deceiving the public.

**COUNT LXI
THE '765 PATENT**

**FALSE MARKING OF
0409-7120-07 - 70% DEXTROSE INJECTION (2000 ML)**

441. Plaintiff incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

442. Hospira manufactures and sells a product identified as 0409-7120-07 - 70% DEXTROSE INJECTION (2000 ML).

443. Since the Spin-off, Hospira has marked, and continues to mark the 0409-7120-07 - 70% DEXTROSE INJECTION (2000 ML) with the '765 Patent.

444. Because the '765 Patent expired on December 12, 2000, years prior to the Spin-off, none of Hospira's units of 0409-7120-07 - 70% DEXTROSE INJECTION (2000 ML) has ever been covered by the '765 Patent.

445. Hospira knew or reasonably should have known that each unit of the 0409-7120-07 - 70% DEXTROSE INJECTION (2000 ML) it has manufactured and sold was not covered by the '765 Patent.

446. Hospira has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of 0409-7120-07 - 70% DEXTROSE INJECTION (2000 ML) with the '765 Patent for the purpose of deceiving the public.

**COUNT LXII
THE '765 PATENT**

**FALSE MARKING OF
Hospira MODEL 767r 41AD767G034**

447. Plaintiff incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

448. Hospira manufactures and sells a product identified as 0409-7138-09 - 0.9% SODIUM CHLORIDE IRRIGATION (1000 ML).

449. Since the Spin-off, Hospira has marked, and until March of 2007 continued to mark the 0409-7138-09 - 0.9% SODIUM CHLORIDE IRRIGATION (1000 ML) with the '765 Patent.

450. Because the '765 Patent expired on December 12, 2000, years prior to the Spin-off, none of Hospira's units of 0409-7138-09 - 0.9% SODIUM CHLORIDE IRRIGATION (1000 ML) has ever been covered by the '765 Patent.

451. Hospira knew or reasonably should have known that each unit of the 0409-7138-09 - 0.9% SODIUM CHLORIDE IRRIGATION (1000 ML) it has manufactured and sold was not covered by the '765 Patent.

452. Hospira has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of 0409-7138-09 - 0.9% SODIUM CHLORIDE IRRIGATION (1000 ML) with the '765 Patent for the purpose of deceiving the public.

**COUNT LXIII
THE '765 PATENT**

**FALSE MARKING OF
0409-7138-36 - 0.9% SODIUM CHLORIDE IRRIGATION (1500 ML)**

453. Plaintiff incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

454. Hospira manufactures and sells a product identified as 0409-7138-36 - 0.9% SODIUM CHLORIDE IRRIGATION (1500 ML).

455. Since the Spin-off, Hospira has marked, and until March of 2007 continued to mark the 0409-7138-36 - 0.9% SODIUM CHLORIDE IRRIGATION (1500 ML) with the '765 Patent.

456. Because the '765 Patent expired on December 12, 2000, years prior to the Spin-off, none of Hospira's units of 0409-7138-36 - 0.9% SODIUM CHLORIDE IRRIGATION (1500 ML) has ever been covered by the '765 Patent.

457. Hospira knew or reasonably should have known that each unit of the 0409-7138-36 - 0.9% SODIUM CHLORIDE IRRIGATION (1500 ML) it has manufactured and sold was not covered by the '765 Patent.

458. Hospira has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of 0409-7138-36 - 0.9% SODIUM CHLORIDE IRRIGATION (1500 ML) with the '765 Patent until March of 2007 for the purpose of deceiving the public.

**COUNT LXIV
THE '765 PATENT**

**FALSE MARKING OF
0409-7730-20 - 0.45% SODIUM CHLORIDE INJECTION (25 ML)**

459. Plaintiff incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

460. Hospira manufactures and sells a product identified as 0409-7730-20 - 0.45% SODIUM CHLORIDE INJECTION (25 ML).

461. Since the Spin-off, Hospira has marked, and continues to mark the 0409-7730-20 - 0.45% SODIUM CHLORIDE INJECTION (25 ML) with the '765 Patent.

462. Because the '765 Patent expired on December 12, 2000, years prior to the Spin-off, none of Hospira's units of 0409-7730-20 - 0.45% SODIUM CHLORIDE INJECTION (25 ML) has ever been covered by the '765 Patent.

463. Hospira knew or reasonably should have known that each unit of the 0409-7730-20 - 0.45% SODIUM CHLORIDE INJECTION (25 ML) it has manufactured and sold was not covered by the '765 Patent.

464. Hospira has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of 0409-7730-20 - 0.45% SODIUM CHLORIDE INJECTION (25 ML) with the '765 Patent for the purpose of deceiving the public.

**COUNT LXV
THE '765 PATENT**

**FALSE MARKING OF
0409-7730-36 - 0.45% SODIUM CHLORIDE INJECTION (50 ML)**

465. Plaintiff incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

466. Hospira manufactures and sells a product identified as 0409-7730-36 - 0.45% SODIUM CHLORIDE INJECTION (50 ML).

467. Since the Spin-off, Hospira has marked, and continues to mark the 0409-7730-36 - 0.45% SODIUM CHLORIDE INJECTION (50 ML) with the '765 Patent.

468. Because the '765 Patent expired on December 12, 2000, years prior to the Spin-off, none of Hospira's units of 0409-7730-36 - 0.45% SODIUM CHLORIDE INJECTION (50 ML) has ever been covered by the '765 Patent.

469. Hospira knew or reasonably should have known that each unit of the 0409-7730-36 - 0.45% SODIUM CHLORIDE INJECTION (50 ML) it has manufactured and sold was not covered by the '765 Patent.

470. Hospira has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of 0409-7730-36 - 0.45% SODIUM CHLORIDE INJECTION (50 ML) with the '765 Patent for the purpose of deceiving the public.

**COUNT LXVI
THE '765 PATENT**

**FALSE MARKING OF
0409-7730-37 - 0.45% SODIUM CHLORIDE INJECTION (100 ML)**

471. Plaintiff incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

472. Hospira manufactures and sells a product identified as 0409-7730-37 - 0.45% SODIUM CHLORIDE INJECTION (100 ML).

473. Since the Spin-off, Hospira has marked, and continues to mark the 0409-7730-37 - 0.45% SODIUM CHLORIDE INJECTION (100 ML) with the '765 Patent.

474. Because the '765 Patent expired on December 12, 2000, years prior to the Spin-off, none of Hospira's units of 0409-7730-37 - 0.45% SODIUM CHLORIDE INJECTION (100 ML) has ever been covered by the '765 Patent.

475. Hospira knew or reasonably should have known that each unit of the 0409-7730-37 - 0.45% SODIUM CHLORIDE INJECTION (100 ML) it has manufactured and sold was not covered by the '765 Patent.

476. Hospira has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of 0409-7730-37 - 0.45% SODIUM CHLORIDE INJECTION (100 ML) with the '765 Patent for the purpose of deceiving the public.

**COUNT LXVII
THE '765 PATENT**

**FALSE MARKING OF
0409-7938-19 - 10% DEXTROSE INJECTION (500 ML)**

477. Plaintiff incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

478. Hospira manufactures and sells a product identified as 0409-7938-19 - 10% DEXTROSE INJECTION (500 ML).

479. Since the Spin-off, Hospira has marked, and continues to mark the 0409-7938-19 - 10% DEXTROSE INJECTION (500 ML) with the '765 Patent.

480. Because the '765 Patent expired on December 12, 2000, years prior to the Spin-off, none of Hospira's units of 0409-7938-19 - 10% DEXTROSE INJECTION (500 ML) has ever been covered by the '765 Patent.

481. Hospira knew or reasonably should have known that each unit of the 0409-7938-19 - 10% DEXTROSE INJECTION (500 ML) it has manufactured and sold was not covered by the '765 Patent.

482. Hospira has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of 0409-7938-19 - 10% DEXTROSE INJECTION (500 ML) with the '765 Patent for the purpose of deceiving the public.

**COUNT LXVIII
THE '765 PATENT**

**FALSE MARKING OF
0409-7965-03 - NORMOSOL-M & 5% DEXTROSE INJECTION (500 ML)**

483. Plaintiff incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

484. Hospira manufactures and sells a product identified as 0409-7965-03 - NORMOSOL-M & 5% DEXTROSE INJECTION (500 ML).

485. Since the Spin-off, Hospira has marked, and continues to mark the 0409-7965-03 - NORMOSOL-M & 5% DEXTROSE INJECTION (500 ML) with the '765 Patent.

486. Because the '765 Patent expired on December 12, 2000, years prior to the Spin-off, none of Hospira's units of 0409-7965-03 - NORMOSOL-M & 5% DEXTROSE INJECTION (500 ML) has ever been covered by the '765 Patent.

487. Hospira knew or reasonably should have known that each unit of the 0409-7965-03 - NORMOSOL-M & 5% DEXTROSE INJECTION (500 ML) it has manufactured and sold was not covered by the '765 Patent.

488. Hospira has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of 0409-7965-03 - NORMOSOL-M & 5% DEXTROSE INJECTION (500 ML) with the '765 Patent for the purpose of deceiving the public.

**COUNT LXIX
THE '765 PATENT**

**FALSE MARKING OF
0409-7965-09 - NORMOSOL-M & 5% DEXTROSE INJECTION (1000 ML)**

489. Plaintiff incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

490. Hospira manufactures and sells a product identified as 0409-7965-09 - NORMOSOL-M & 5% DEXTROSE INJECTION (1000 ML).

491. Since the Spin-off, Hospira has marked, and continues to mark the 0409-7965-09 - NORMOSOL-M & 5% DEXTROSE INJECTION (1000 ML) with the '765 Patent.

492. Because the '765 Patent expired on December 12, 2000, years prior to the Spin-off, none of Hospira's units of 0409-7965-09 - NORMOSOL-M & 5% DEXTROSE INJECTION (1000 ML) has ever been covered by the '765 Patent.

493. Hospira knew or reasonably should have known that each unit of the 0409-7965-09 - NORMOSOL-M & 5% DEXTROSE INJECTION (1000 ML) it has manufactured and sold was not covered by the '765 Patent.

494. Hospira has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of 0409-7965-09 - NORMOSOL-M & 5% DEXTROSE INJECTION (1000 ML) with the '765 Patent for the purpose of deceiving the public.

**COUNT LXX
THE '765 PATENT**

**FALSE MARKING OF
0409-7967-03 - NORMOSOL-R INJECTION (1000 ML)**

495. Plaintiff incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

496. Hospira manufactures and sells a product identified as 0409-7967-03 - NORMOSOL-R INJECTION (1000 ML).

497. Since the Spin-off, Hospira has marked, and continues to mark the 0409-7967-03 - NORMOSOL-R INJECTION (1000 ML) with the '765 Patent.

498. Because the '765 Patent expired on December 12, 2000, years prior to the Spin-off, none of Hospira's units of 0409-7967-03 - NORMOSOL-R INJECTION (1000 ML) has ever been covered by the '765 Patent.

499. Hospira knew or reasonably should have known that each unit of the 0409-7967-03 - NORMOSOL-R INJECTION (1000 ML) it has manufactured and sold was not covered by the '765 Patent.

500. Hospira has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of 0409-7967-03 - NORMOSOL-R INJECTION (1000 ML) with the '765 Patent for the purpose of deceiving the public.

**COUNT LXXI
THE '765 PATENT**

**FALSE MARKING OF
0409-7967-09 - NORMOSOL-R INJECTION (1000 ML)**

501. Plaintiff incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

502. Hospira manufactures and sells a product identified as 0409-7967-09 - NORMOSOL-R INJECTION (1000 ML).

503. Since the Spin-off, Hospira has marked, and continues to mark the 0409-7967-09 - NORMOSOL-R INJECTION (1000 ML) with the '765 Patent.

504. Because the '765 Patent expired on December 12, 2000, years prior to the Spin-off, none of Hospira's units of 0409-7967-09 - NORMOSOL-R INJECTION (1000 ML) has ever been covered by the '765 Patent.

505. Hospira knew or reasonably should have known that each unit of the 0409-7967-09 - NORMOSOL-R INJECTION (1000 ML) it has manufactured and sold was not covered by the '765 Patent.

506. Hospira has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of 0409-7967-09 - NORMOSOL-R INJECTION (1000 ML) with the '765 Patent for the purpose of deceiving the public.

**COUNT LXXII
THE '765 PATENT**

**FALSE MARKING OF
0409-7968-09 - NORMOSOL-R & 5% DEXTROSE INJECTION (1000 ML)**

507. Plaintiff incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

508. Hospira manufactures and sells a product identified as 0409-7968-09 - NORMOSOL-R & 5% DEXTROSE INJECTION (1000 ML).

509. Since the Spin-off, Hospira has marked, and continues to mark the 0409-7968-09 - NORMOSOL-R & 5% DEXTROSE INJECTION (1000 ML) with the '765 Patent.

510. Because the '765 Patent expired on December 12, 2000, years prior to the Spin-off, none of Hospira's units of 0409-7968-09 - NORMOSOL-R & 5% DEXTROSE INJECTION (1000 ML) has ever been covered by the '765 Patent.

511. Hospira knew or reasonably should have known that each unit of the 0409-7968-09 - NORMOSOL-R & 5% DEXTROSE INJECTION (1000 ML) it has manufactured and sold was not covered by the '765 Patent.

512. Hospira has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of 0409-7968-09 - NORMOSOL-R & 5% DEXTROSE INJECTION (1000 ML) with the '765 Patent for the purpose of deceiving the public.

**COUNT LXXIII
THE '765 PATENT**

**FALSE MARKING OF
0409-7970-03 - NORMOSOL-R INJECTION (500 ML)**

513. Plaintiff incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

514. Hospira manufactures and sells a product identified as 0409-7970-03 - NORMOSOL-R INJECTION (500 ML).

515. Since the Spin-off, Hospira has marked, and continues to mark the 0409-7970-03 - NORMOSOL-R INJECTION (500 ML) with the '765 Patent.

516. Because the '765 Patent expired on December 12, 2000, years prior to the Spin-off, none of Hospira's units of 0409-7970-03 - NORMOSOL-R INJECTION (500 ML) has ever been covered by the '765 Patent.

517. Hospira knew or reasonably should have known that each unit of the 0409-7970-03 - NORMOSOL-R INJECTION (500 ML) it has manufactured and sold was not covered by the '765 Patent.

518. Hospira has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of 0409-7970-03 - NORMOSOL-R INJECTION (500 ML) with the '765 Patent for the purpose of deceiving the public.

**COUNT LXXIV
THE '765 PATENT**

**FALSE MARKING OF
0409-7970-09 - NORMOSOL-R INJECTION (1000 ML)**

519. Plaintiff incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

520. Hospira manufactures and sells a product identified as 0409-7970-09 - NORMOSOL-R INJECTION (1000 ML).

521. Since the Spin-off, Hospira has marked, and continues to mark the 0409-7970-09 - NORMOSOL-R INJECTION (1000 ML) with the '765 Patent.

522. Because the '765 Patent expired on December 12, 2000, years prior to the Spin-off, none of Hospira's units of 0409-7970-09 - NORMOSOL-R INJECTION (1000 ML) has ever been covered by the '765 Patent.

523. Hospira knew or reasonably should have known that each unit of the 0409-7970-09 - NORMOSOL-R INJECTION (1000 ML) it has manufactured and sold was not covered by the '765 Patent.

524. Hospira has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of 0409-7970-09 - NORMOSOL-R INJECTION (1000 ML) with the '765 Patent for the purpose of deceiving the public.

**COUNT LXXV
THE '765 PATENT**

**FALSE MARKING OF
0409-7972-05 - 0.9% SODIUM CHLORIDE IRRIGATION (1000 ML)**

525. Plaintiff incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

526. Hospira manufactures and sells a product identified as 0409-7972-05 - 0.9% SODIUM CHLORIDE IRRIGATION (1000 ML).

527. Since the Spin-off, Hospira has marked, and until March of 2007 continued to mark the 0409-7972-05 - 0.9% SODIUM CHLORIDE IRRIGATION (1000 ML) with the '765 Patent.

528. Because the '765 Patent expired on December 12, 2000, years prior to the Spin-off, none of Hospira's units of 0409-7972-05 - 0.9% SODIUM CHLORIDE IRRIGATION (1000 ML) has ever been covered by the '765 Patent.

529. Hospira knew or reasonably should have known that each unit of the 0409-7972-05 - 0.9% SODIUM CHLORIDE IRRIGATION (1000 ML) it has manufactured and sold was not covered by the '765 Patent.

530. Hospira has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of 0409-7972-05 - 0.9% SODIUM CHLORIDE IRRIGATION (1000 ML) with the '765 Patent until March of 2007 for the purpose of deceiving the public.

**COUNT LXXVI
THE '765 PATENT**

**FALSE MARKING OF
0409-7972-07 - 0.9% SODIUM CHLORIDE IRRIGATION (2000 ML)**

531. Plaintiff incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

532. Hospira manufactures and sells a product identified as 0409-7972-07 - 0.9% SODIUM CHLORIDE IRRIGATION (2000 ML).

533. Since the Spin-off, Hospira has marked, and until March of 2007 continued to mark the 0409-7972-07 - 0.9% SODIUM CHLORIDE IRRIGATION (2000 ML) with the '765 Patent.

534. Because the '765 Patent expired on December 12, 2000, years prior to the Spin-off, none of Hospira's units of 0409-7972-07 - 0.9% SODIUM CHLORIDE IRRIGATION (2000 ML) has ever been covered by the '765 Patent.

535. Hospira knew or reasonably should have known that each unit of the 0409-7972-07 - 0.9% SODIUM CHLORIDE IRRIGATION (2000 ML) it has manufactured and sold was not covered by the '765 Patent.

536. Hospira has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of 0409-7972-07 - 0.9% SODIUM CHLORIDE IRRIGATION (2000 ML) with the '765 Patent until March of 2007 for the purpose of deceiving the public.

**COUNT LXXVII
THE '765 PATENT**

**FALSE MARKING OF
0409-7972-08 - 0.9% SODIUM CHLORIDE IRRIGATION (3000 ML)**

537. Plaintiff incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

538. Hospira manufactures and sells a product identified as 0409-7972-08 - 0.9% SODIUM CHLORIDE IRRIGATION (3000 ML).

539. Since the Spin-off, Hospira has marked, and until March of 2007 continued to mark the 0409-7972-08 - 0.9% SODIUM CHLORIDE IRRIGATION (3000 ML) with the '765 Patent.

540. Because the '765 Patent expired on December 12, 2000, years prior to the Spin-off, none of Hospira's units of 0409-7972-08 - 0.9% SODIUM CHLORIDE IRRIGATION (3000 ML) has ever been covered by the '765 Patent.

541. Hospira knew or reasonably should have known that each unit of the 0409-7972-08 - 0.9% SODIUM CHLORIDE IRRIGATION (3000 ML) it has manufactured and sold was not covered by the '765 Patent.

542. Hospira has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of 0409-7972-08 - 0.9% SODIUM CHLORIDE IRRIGATION (3000 ML) with the '765 Patent until March of 2007 for the purpose of deceiving the public.

**COUNT LXXVIII
THE '765 PATENT**

**FALSE MARKING OF
0409-7975-07 - 0.45% SODIUM CHLORIDE IRRIGATION (2000 ML)**

543. Plaintiff incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

544. Hospira manufactures and sells a product identified as 0409-7975-07 - 0.45% SODIUM CHLORIDE IRRIGATION (2000 ML).

545. Since the Spin-off, Hospira has marked, and until March of 2007 continued to mark the 0409-7975-07 - 0.45% SODIUM CHLORIDE IRRIGATION (2000 ML) with the '765 Patent.

546. Because the '765 Patent expired on December 12, 2000, years prior to the Spin-off, none of Hospira's units of 0409-7975-07 - 0.45% SODIUM CHLORIDE IRRIGATION (2000 ML) has ever been covered by the '765 Patent.

547. Hospira knew or reasonably should have known that each unit of the 0409-7975-07 - 0.45% SODIUM CHLORIDE IRRIGATION (2000 ML) it has manufactured and sold was not covered by the '765 Patent.

548. Hospira has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of 0409-7975-07 - 0.45% SODIUM CHLORIDE IRRIGATION (2000 ML) with the '765 Patent until March of 2007 for the purpose of deceiving the public.

**COUNT LXXIX
THE '765 PATENT**

**FALSE MARKING OF
0409-7983-02 - 0.9% SODIUM CHLORIDE INJECTION (250 ML)**

549. Plaintiff incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

550. Hospira manufactures and sells a product identified as 0409-7983-02 - 0.9% SODIUM CHLORIDE INJECTION (250 ML).

551. Since the Spin-off, Hospira has marked, and continues to mark the 0409-7983-02 - 0.9% SODIUM CHLORIDE INJECTION (250 ML) with the '765 Patent.

552. Because the '765 Patent expired on December 12, 2000, years prior to the Spin-off, none of Hospira's units of 0409-7983-02 - 0.9% SODIUM CHLORIDE INJECTION (250 ML) has ever been covered by the '765 Patent.

553. Hospira knew or reasonably should have known that each unit of the 0409-7983-02 - 0.9% SODIUM CHLORIDE INJECTION (250 ML) it has manufactured and sold was not covered by the '765 Patent.

554. Hospira has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of 0409-7983-02 - 0.9% SODIUM CHLORIDE INJECTION (250 ML) with the '765 Patent for the purpose of deceiving the public.

**COUNT LXXX
THE '765 PATENT**

**FALSE MARKING OF
0409-7983-03 - 0.9% SODIUM CHLORIDE INJECTION (500 ML)**

555. Plaintiff incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

556. Hospira manufactures and sells a product identified as 0409-7983-03 - 0.9% SODIUM CHLORIDE INJECTION (500 ML).

557. Since the Spin-off, Hospira has marked, and continues to mark the 0409-7983-03 - 0.9% SODIUM CHLORIDE INJECTION (500 ML) with the '765 Patent.

558. Because the '765 Patent expired on December 12, 2000, years prior to the Spin-off, none of Hospira's units of 0409-7983-03 - 0.9% SODIUM CHLORIDE INJECTION (500 ML) has ever been covered by the '765 Patent.

559. Hospira knew or reasonably should have known that each unit of the 0409-7983-03 - 0.9% SODIUM CHLORIDE INJECTION (500 ML) it has manufactured and sold was not covered by the '765 Patent.

560. Hospira has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of 0409-7983-03 - 0.9% SODIUM CHLORIDE INJECTION (500 ML) with the '765 Patent for the purpose of deceiving the public.

**COUNT LXXXI
THE '765 PATENT**

**FALSE MARKING OF
0409-7983-09 - 0.9% SODIUM CHLORIDE INJECTION (1000 ML)**

561. Plaintiff incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

562. Hospira manufactures and sells a product identified as 0409-7983-09 - 0.9% SODIUM CHLORIDE INJECTION (1000 ML).

563. Since the Spin-off, Hospira has marked, and continues to mark the 0409-7983-09 - 0.9% SODIUM CHLORIDE INJECTION (1000 ML) with the '765 Patent.

564. Because the '765 Patent expired on December 12, 2000, years prior to the Spin-off, none of Hospira's units of 0409-7983-09 - 0.9% SODIUM CHLORIDE INJECTION (1000 ML) has ever been covered by the '765 Patent.

565. Hospira knew or reasonably should have known that each unit of the 0409-7983-09 - 0.9% SODIUM CHLORIDE INJECTION (1000 ML) it has manufactured and sold was not covered by the '765 Patent.

566. Hospira has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of 0409-7983-09 - 0.9% SODIUM CHLORIDE INJECTION (1000 ML) with the '765 Patent for the purpose of deceiving the public.

**COUNT LXXXII
THE '765 PATENT**

**FALSE MARKING OF
0409-7983-21 - 0.9% SODIUM CHLORIDE INJECTION (250 ML)**

567. Plaintiff incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

568. Hospira manufactures and sells a product identified as 0409-7983-21 - 0.9% SODIUM CHLORIDE INJECTION (250 ML).

569. Since the Spin-off, Hospira has marked, and continues to mark the 0409-7983-21 - 0.9% SODIUM CHLORIDE INJECTION (250 ML) with the '765 Patent.

570. Because the '765 Patent expired on December 12, 2000, years prior to the Spin-off, none of Hospira's units of 0409-7983-21 - 0.9% SODIUM CHLORIDE INJECTION (250 ML) has ever been covered by the '765 Patent.

571. Hospira knew or reasonably should have known that each unit of the 0409-7983-21 - 0.9% SODIUM CHLORIDE INJECTION (250 ML) it has manufactured and sold was not covered by the '765 Patent.

572. Hospira has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of 0409-7983-21 - 0.9% SODIUM CHLORIDE INJECTION (250 ML) with the '765 Patent for the purpose of deceiving the public.

**COUNT LXXXIII
THE '765 PATENT**

**FALSE MARKING OF
0409-7983-25 - 0.9% SODIUM CHLORIDE INJECTION (250 ML)**

573. Plaintiff incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

574. Hospira manufactures and sells a product identified as 0409-7983-25 - 0.9% SODIUM CHLORIDE INJECTION (250 ML).

575. Since the Spin-off, Hospira has marked, and continues to mark the 0409-7983-25 - 0.9% SODIUM CHLORIDE INJECTION (250 ML) with the '765 Patent.

576. Because the '765 Patent expired on December 12, 2000, years prior to the Spin-off, none of Hospira's units of 0409-7983-25 - 0.9% SODIUM CHLORIDE INJECTION (250 ML) has ever been covered by the '765 Patent.

577. Hospira knew or reasonably should have known that each unit of the 0409-7983-25 - 0.9% SODIUM CHLORIDE INJECTION (250 ML) it has manufactured and sold was not covered by the '765 Patent.

578. Hospira has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of 0409-7983-25 - 0.9% SODIUM CHLORIDE INJECTION (250 ML) with the '765 Patent for the purpose of deceiving the public.

**COUNT LXXXIV
THE '765 PATENT**

**FALSE MARKING OF
0409-7983-30 - 0.9% SODIUM CHLORIDE INJECTION (500 ML)**

579. Plaintiff incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

580. Hospira manufactures and sells a product identified as 0409-7983-30 - 0.9% SODIUM CHLORIDE INJECTION (500 ML).

581. Since the Spin-off, Hospira has marked, and continues to mark the 0409-7983-30 - 0.9% SODIUM CHLORIDE INJECTION (500 ML) with the '765 Patent.

582. Because the '765 Patent expired on December 12, 2000, years prior to the Spin-off, none of Hospira's units of 0409-7983-30 - 0.9% SODIUM CHLORIDE INJECTION (500 ML) has ever been covered by the '765 Patent.

583. Hospira knew or reasonably should have known that each unit of the 0409-7983-30 - 0.9% SODIUM CHLORIDE INJECTION (500 ML) it has manufactured and sold was not covered by the '765 Patent.

584. Hospira has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of 0409-7983-30 - 0.9% SODIUM CHLORIDE INJECTION (500 ML) with the '765 Patent for the purpose of deceiving the public.

**COUNT LXXXV
THE '765 PATENT**

**FALSE MARKING OF
0409-7983-48 - 0.9% SODIUM CHLORIDE INJECTION (1000ML)**

585. Plaintiff incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

586. Hospira manufactures and sells a product identified as 0409-7983-48 - 0.9% SODIUM CHLORIDE INJECTION (1000ML).

587. Since the Spin-off, Hospira has marked, and continues to mark the 0409-7983-48 - 0.9% SODIUM CHLORIDE INJECTION (1000ML) with the '765 Patent.

588. Because the '765 Patent expired on December 12, 2000, years prior to the Spin-off, none of Hospira's units of 0409-7983-48 - 0.9% SODIUM CHLORIDE INJECTION (1000ML) has ever been covered by the '765 Patent.

589. Hospira knew or reasonably should have known that each unit of the 0409-7983-48 - 0.9% SODIUM CHLORIDE INJECTION (1000ML) it has manufactured and sold was not covered by the '765 Patent.

590. Hospira has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of 0409-7983-48 - 0.9% SODIUM CHLORIDE INJECTION (1000ML) with the '765 Patent for the purpose of deceiving the public.

**COUNT LXXXVI
THE '765 PATENT**

**FALSE MARKING OF
0409-7983-61 - 0.9% SODIUM CHLORIDE INJECTION (150 ML)**

591. Plaintiff incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

592. Hospira manufactures and sells a product identified as 0409-7983-61 - 0.9% SODIUM CHLORIDE INJECTION (150 ML).

593. Since the Spin-off, Hospira has marked, and continues to mark the 0409-7983-61 - 0.9% SODIUM CHLORIDE INJECTION (150 ML) with the '765 Patent.

594. Because the '765 Patent expired on December 12, 2000, years prior to the Spin-off, none of Hospira's units of 0409-7983-61 - 0.9% SODIUM CHLORIDE INJECTION (150 ML) has ever been covered by the '765 Patent.

595. Hospira knew or reasonably should have known that each unit of the 0409-7983-61 - 0.9% SODIUM CHLORIDE INJECTION (150 ML) it has manufactured and sold was not covered by the '765 Patent.

596. Hospira has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of 0409-7983-61 - 0.9% SODIUM CHLORIDE INJECTION (150 ML) with the '765 Patent for the purpose of deceiving the public.

**COUNT LXXXVII
THE '765 PATENT**

**FALSE MARKING OF
0409-7984-13 - 0.9% SODIUM CHLORIDE INJECTION (50 ML)**

597. Plaintiff incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

598. Hospira manufactures and sells a product identified as 0409-7984-13 - 0.9% SODIUM CHLORIDE INJECTION (50 ML).

599. Since the Spin-off, Hospira has marked, and continues to mark the 0409-7984-13 - 0.9% SODIUM CHLORIDE INJECTION (50 ML) with the '765 Patent.

600. Because the '765 Patent expired on December 12, 2000, years prior to the Spin-off, none of Hospira's units of 0409-7984-13 - 0.9% SODIUM CHLORIDE INJECTION (50 ML) has ever been covered by the '765 Patent.

601. Hospira knew or reasonably should have known that each unit of the 0409-7984-13 - 0.9% SODIUM CHLORIDE INJECTION (50 ML) it has manufactured and sold was not covered by the '765 Patent.

602. Hospira has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of 0409-7984-13 - 0.9% SODIUM CHLORIDE INJECTION (50 ML) with the '765 Patent for the purpose of deceiving the public.

**COUNT LXXXVIII
THE '765 PATENT**

**FALSE MARKING OF
0409-7984-20 - 0.9% SODIUM CHLORIDE INJECTION (25 ML)**

603. Plaintiff incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

604. Hospira manufactures and sells a product identified as 0409-7984-20 - 0.9% SODIUM CHLORIDE INJECTION (25 ML).

605. Since the Spin-off, Hospira has marked, and continues to mark the 0409-7984-20 - 0.9% SODIUM CHLORIDE INJECTION (25 ML) with the '765 Patent.

606. Because the '765 Patent expired on December 12, 2000, years prior to the Spin-off, none of Hospira's units of 0409-7984-20 - 0.9% SODIUM CHLORIDE INJECTION (25 ML) has ever been covered by the '765 Patent.

607. Hospira knew or reasonably should have known that each unit of the 0409-7984-20 - 0.9% SODIUM CHLORIDE INJECTION (25 ML) it has manufactured and sold was not covered by the '765 Patent.

608. Hospira has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of 0409-7984-20 - 0.9% SODIUM CHLORIDE INJECTION (25 ML) with the '765 Patent for the purpose of deceiving the public.

**COUNT LXXXIX
THE '765 PATENT**

**FALSE MARKING OF
0409-7984-23 - 0.9% SODIUM CHLORIDE INJECTION (100 ML)**

609. Plaintiff incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

610. Hospira manufactures and sells a product identified as 0409-7984-23 - 0.9% SODIUM CHLORIDE INJECTION (100 ML).

611. Since the Spin-off, Hospira has marked, and continues to mark the 0409-7984-23 - 0.9% SODIUM CHLORIDE INJECTION (100 ML) with the '765 Patent.

612. Because the '765 Patent expired on December 12, 2000, years prior to the Spin-off, none of Hospira's units of 0409-7984-23 - 0.9% SODIUM CHLORIDE INJECTION (100 ML) has ever been covered by the '765 Patent.

613. Hospira knew or reasonably should have known that each unit of the 0409-7984-23 - 0.9% SODIUM CHLORIDE INJECTION (100 ML) it has manufactured and sold was not covered by the '765 Patent.

614. Hospira has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of 0409-7984-23 - 0.9% SODIUM CHLORIDE INJECTION (100 ML) with the '765 Patent for the purpose of deceiving the public.

**COUNT XC
THE '765 PATENT**

**FALSE MARKING OF
0409-7985-02 - 0.45% SODIUM CHLORIDE INJECTION (250 ML)**

615. Plaintiff incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

616. Hospira manufactures and sells a product identified as 0409-7985-02 - 0.45% SODIUM CHLORIDE INJECTION (250 ML).

617. Since the Spin-off, Hospira has marked, and continues to mark the 0409-7985-02 - 0.45% SODIUM CHLORIDE INJECTION (250 ML) with the '765 Patent.

618. Because the '765 Patent expired on December 12, 2000, years prior to the Spin-off, none of Hospira's units of 0409-7985-02 - 0.45% SODIUM CHLORIDE INJECTION (250 ML) has ever been covered by the '765 Patent.

619. Hospira knew or reasonably should have known that each unit of the 0409-7985-02 - 0.45% SODIUM CHLORIDE INJECTION (250 ML) it has manufactured and sold was not covered by the '765 Patent.

620. Hospira has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of 0409-7985-02 - 0.45% SODIUM CHLORIDE INJECTION (250 ML) with the '765 Patent for the purpose of deceiving the public.

**COUNT XCI
THE '765 PATENT**

**FALSE MARKING OF
0409-7985-03 - 0.45% SODIUM CHLORIDE INJECTION (500 ML)**

621. Plaintiff incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

622. Hospira manufactures and sells a product identified as 0409-7985-03 - 0.45% SODIUM CHLORIDE INJECTION (500 ML).

623. Since the Spin-off, Hospira has marked, and continues to mark the 0409-7985-03 - 0.45% SODIUM CHLORIDE INJECTION (500 ML) with the '765 Patent.

624. Because the '765 Patent expired on December 12, 2000, years prior to the Spin-off, none of Hospira's units of 0409-7985-03 - 0.45% SODIUM CHLORIDE INJECTION (500 ML) has ever been covered by the '765 Patent.

625. Hospira knew or reasonably should have known that each unit of the 0409-7985-03 - 0.45% SODIUM CHLORIDE INJECTION (500 ML) it has manufactured and sold was not covered by the '765 Patent.

626. Hospira has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of 0409-7985-03 - 0.45% SODIUM CHLORIDE INJECTION (500 ML) with the '765 Patent for the purpose of deceiving the public.

**COUNT XCII
THE '765 PATENT**

**FALSE MARKING OF
0409-7985-09 - 0.45% SODIUM CHLORIDE INJECTION (1000 ML)**

627. Plaintiff incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

628. Hospira manufactures and sells a product identified as 0409-7985-09 - 0.45% SODIUM CHLORIDE INJECTION (1000 ML).

629. Since the Spin-off, Hospira has marked, and continues to mark the 0409-7985-09 - 0.45% SODIUM CHLORIDE INJECTION (1000 ML) with the '765 Patent.

630. Because the '765 Patent expired on December 12, 2000, years prior to the Spin-off, none of Hospira's units of 0409-7985-09 - 0.45% SODIUM CHLORIDE INJECTION (1000 ML) has ever been covered by the '765 Patent.

631. Hospira knew or reasonably should have known that each unit of the 0409-7985-09 - 0.45% SODIUM CHLORIDE INJECTION (1000 ML) it has manufactured and sold was not covered by the '765 Patent.

632. Hospira has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of 0409-7985-09 - 0.45% SODIUM CHLORIDE INJECTION (1000 ML) with the '765 Patent for the purpose of deceiving the public.

**COUNT XCIII
THE '765 PATENT**

**FALSE MARKING OF
0409-7985-25 - 0.45% SODIUM CHLORIDE INJECTION (250 ML)**

633. Plaintiff incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

634. Hospira manufactures and sells a product identified as 0409-7985-25 - 0.45% SODIUM CHLORIDE INJECTION (250 ML).

635. Since the Spin-off, Hospira has marked, and continues to mark the 0409-7985-25 - 0.45% SODIUM CHLORIDE INJECTION (250 ML) with the '765 Patent.

636. Because the '765 Patent expired on December 12, 2000, years prior to the Spin-off, none of Hospira's units of 0409-7985-25 - 0.45% SODIUM CHLORIDE INJECTION (250 ML) has ever been covered by the '765 Patent.

637. Hospira knew or reasonably should have known that each unit of the 0409-7985-25 - 0.45% SODIUM CHLORIDE INJECTION (250 ML) it has manufactured and sold was not covered by the '765 Patent.

638. Hospira has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of 0409-7985-25 - 0.45% SODIUM CHLORIDE INJECTION (250 ML) with the '765 Patent for the purpose of deceiving the public.

**COUNT XCIV
THE '765 PATENT**

**FALSE MARKING OF
0409-7985-30 - 0.45% SODIUM CHLORIDE INJECTION (500 ML)**

639. Plaintiff incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

640. Hospira manufactures and sells a product identified as 0409-7985-30 - 0.45% SODIUM CHLORIDE INJECTION (500 ML).

641. Since the Spin-off, Hospira has marked, and continues to mark the 0409-7985-30 - 0.45% SODIUM CHLORIDE INJECTION (500 ML) with the '765 Patent.

642. Because the '765 Patent expired on December 12, 2000, years prior to the Spin-off, none of Hospira's units of 0409-7985-30 - 0.45% SODIUM CHLORIDE INJECTION (500 ML) has ever been covered by the '765 Patent.

643. Hospira knew or reasonably should have known that each unit of the 0409-7985-30 - 0.45% SODIUM CHLORIDE INJECTION (500 ML) it has manufactured and sold was not covered by the '765 Patent.

644. Hospira has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of 0409-7985-30 - 0.45% SODIUM CHLORIDE INJECTION (500 ML) with the '765 Patent for the purpose of deceiving the public.

**COUNT XCV
THE '765 PATENT**

**FALSE MARKING OF
0409-7985-48 - 0.45% SODIUM CHLORIDE INJECTION (1000 ML)**

645. Plaintiff incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

646. Hospira manufactures and sells a product identified as 0409-7985-48 - 0.45% SODIUM CHLORIDE INJECTION (1000 ML).

647. Since the Spin-off, Hospira has marked, and continues to mark the 0409-7985-48 - 0.45% SODIUM CHLORIDE INJECTION (1000 ML) with the '765 Patent.

648. Because the '765 Patent expired on December 12, 2000, years prior to the Spin-off, none of Hospira's units of 0409-7985-48 - 0.45% SODIUM CHLORIDE INJECTION (1000 ML) has ever been covered by the '765 Patent.

649. Hospira knew or reasonably should have known that each unit of the 0409-7985-48 - 0.45% SODIUM CHLORIDE INJECTION (1000 ML) it has manufactured and sold was not covered by the '765 Patent.

650. Hospira has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of 0409-7985-48 - 0.45% SODIUM CHLORIDE INJECTION (1000 ML) with the '765 Patent for the purpose of deceiving the public.

**COUNT XCVI
THE '267 PATENT**

**FALSE MARKING OF
0409-3255-03 - TOBRAMYCIN, ADD-VANTAGE VIALS (10 ML)**

651. Plaintiff incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

652. Hospira manufactures and sells a product identified as 0409-3255-03 - TOBRAMYCIN, ADD-VANTAGE VIALS (10 ML).

653. Since the Spin-off, Hospira has marked, and continues to mark the 0409-3255-03 - TOBRAMYCIN, ADD-VANTAGE VIALS (10 ML) with the '267 Patent.

654. Because the '267 Patent expired on December 23, 2003, months prior to the Spin-off, none of the units of 0409-3255-03 - TOBRAMYCIN, ADD-VANTAGE VIALS (10 ML) have ever been covered by the '267 Patent.

655. Hospira knew or reasonably should have known that each unit of the 0409-3255-03 - TOBRAMYCIN, ADD-VANTAGE VIALS (10 ML) it has manufactured and sold has never been covered by the '267 Patent.

656. Hospira has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of 0409-3255-03 - TOBRAMYCIN, ADD-VANTAGE VIALS (10 ML) with the '267 Patent for the purpose of deceiving the public.

**COUNT XCVII
THE '267 PATENT**

**FALSE MARKING OF
0409-4350-03 - DILTIAZEM HCL (100 MG)**

657. Plaintiff incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

658. Hospira manufactures and sells a product identified as 0409-4350-03 - DILTIAZEM HCL (100 MG).

659. Since the Spin-off, Hospira has marked, and continues to mark the 0409-4350-03 - DILTIAZEM HCL (100 MG) with the '267 Patent.

660. Because the '267 Patent expired on December 23, 2003, months prior to the Spin-off, none of the units of 0409-4350-03 - DILTIAZEM HCL (100 MG) have ever been covered by the '267 Patent.

661. Hospira knew or reasonably should have known that each unit of the 0409-4350-03 - DILTIAZEM HCL (100 MG) it has manufactured and sold has never been covered by the '267 Patent.

662. Hospira has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of 0409-4350-03 - DILTIAZEM HCL (100 MG) with the '267 Patent for the purpose of deceiving the public.

**COUNT XCVIII
THE '267 PATENT**

**FALSE MARKING OF
0409-4053-03 - CLINDAMYCIN PHOSPHATE INJECTION (150 MG/ML)**

663. Plaintiff incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

664. Hospira manufactures and sells a product identified as 0409-4053-03 - CLINDAMYCIN PHOSPHATE INJECTION (150 MG/ML).

665. Since the Spin-off, Hospira has marked, and continues to mark the 0409-4053-03 - CLINDAMYCIN PHOSPHATE INJECTION (150 MG/ML) with the '267 Patent.

666. Because the '267 Patent expired on December 23, 2003, months prior to the Spin-off, none of the units of 0409-4053-03 - CLINDAMYCIN PHOSPHATE INJECTION (150 MG/ML) have ever been covered by the '267 Patent.

667. Hospira knew or reasonably should have known that each unit of the 0409-4053-03 - CLINDAMYCIN PHOSPHATE INJECTION (150 MG/ML) it has manufactured and sold has never been covered by the '267 Patent.

668. Hospira has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of 0409-4053-03 - CLINDAMYCIN PHOSPHATE INJECTION (150 MG/ML) with the '267 Patent for the purpose of deceiving the public.

**COUNT XCIX
THE '267 PATENT**

**FALSE MARKING OF
0409-6476-44 - ERYTHROCIN LACTOBIONATE, ADD-VANTAGE VIALS (500 ML)**

669. Plaintiff incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

670. Hospira manufactures and sells a product identified as 0409-6476-44 - ERYTHROCIN LACTOBIONATE, ADD-VANTAGE VIALS (500 ML).

671. Since the Spin-off, Hospira has marked, and continues to mark the 0409-6476-44 - ERYTHROCIN LACTOBIONATE, ADD-VANTAGE VIALS (500 ML) with the '267 Patent.

672. Because the '267 Patent expired on December 23, 2003, months prior to the Spin-off, none of the units of 0409-6476-44 - ERYTHROCIN LACTOBIONATE, ADD-VANTAGE VIALS (500 ML) Hospira has manufactured and sold has ever been covered by the '267 Patent.

673. Hospira knew or reasonably should have known that each unit of the 0409-6476-44 - ERYTHROCIN LACTOBIONATE, ADD-VANTAGE VIALS (500 ML) it has manufactured and sold has never been covered by the '267 Patent.

674. Hospira has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of 0409-6476-44 - ERYTHROCIN LACTOBIONATE, ADD-VANTAGE VIALS (500 ML) with the '267 Patent for the purpose of deceiving the public.

**COUNT C
THE '267 PATENT**

**FALSE MARKING OF
0409-6478-44 - ERYTHROCIN LACTOBIONATE, ADD-VANTAGE VIALS (1000 ML)**

675. Plaintiff incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

676. Hospira manufactures and sells a product identified as 0409-6478-44 - ERYTHROCIN LACTOBIONATE, ADD-VANTAGE VIALS (1000 ML).

677. Since the Spin-off, Hospira has marked, and continues to mark the 0409-6478-44 - ERYTHROCIN LACTOBIONATE, ADD-VANTAGE VIALS (1000 ML) with the '267 Patent.

678. Because the '267 Patent expired on December 23, 2003, months prior to the Spin-off, the 0409-6478-44 - ERYTHROCIN LACTOBIONATE, ADD-VANTAGE VIALS (1000 ML) has never been covered by the '267 Patent.

679. Hospira knew or reasonably should have known that each unit of the 0409-6478-44 - ERYTHROCIN LACTOBIONATE, ADD-VANTAGE VIALS (1000 ML) it has manufactured and sold has never been covered by the '267 Patent.

680. Hospira has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of 0409-6478-44 - ERYTHROCIN LACTOBIONATE, ADD-VANTAGE VIALS (1000 ML) with the '267 Patent for the purpose of deceiving the public.

**COUNT CI
THE '267 PATENT**

**FALSE MARKING OF
0409-6534-01 - VANCOMYCIN HCL, ADD-VANTAGE VIALS (500 ML)**

681. Plaintiff incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

682. Hospira manufactures and sells a product identified as 0409-6534-01 - VANCOMYCIN HCL, ADD-VANTAGE VIALS (500 ML).

683. Since the Spin-off, Hospira has marked, and continues to mark the 0409-6534-01 - VANCOMYCIN HCL, ADD-VANTAGE VIALS (500 ML) with the '267 Patent.

684. Because the '267 Patent expired on December 23, 2003, months prior to the Spin-off, the 0409-6534-01 - VANCOMYCIN HCL, ADD-VANTAGE VIALS (500 ML) has never been covered by the '267 Patent.

685. Hospira knew or reasonably should have known that each unit of the 0409-6534-01 - VANCOMYCIN HCL, ADD-VANTAGE VIALS (500 ML) it has manufactured and sold has never been covered by the '267 Patent

686. Hospira has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of 0409-6534-01 - VANCOMYCIN HCL, ADD-VANTAGE VIALS (500 ML) with the '267 Patent for the purpose of deceiving the public.

**COUNT CII
THE '267 PATENT**

**FALSE MARKING OF
0409-6535-01 - VANCOMYCIN HCL, ADD-VANTAGE VIALS (1000 ML)**

687. Plaintiff incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

688. Hospira manufactures and sells a product identified as 0409-6535-01 - VANCOMYCIN HCL, ADD-VANTAGE VIALS (1000 ML).

689. Since the Spin-off, Hospira has marked, and continues to mark the 0409-6535-01 - VANCOMYCIN HCL, ADD-VANTAGE VIALS (1000 ML) with the '267 Patent.

690. Because the '267 Patent expired on December 23, 2003, months before the Spin-off, the 0409-6535-01 - VANCOMYCIN HCL, ADD-VANTAGE VIALS (1000 ML) has never been covered by the '267 Patent.

691. Hospira knew or reasonably should have known that each unit of the 0409-6535-01 - VANCOMYCIN HCL, ADD-VANTAGE VIALS (1000 ML) it has manufactured and sold has never been covered by the '267 Patent.

692. Hospira has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of 0409-6535-01 - VANCOMYCIN HCL, ADD-VANTAGE VIALS (1000 ML) with the '267 Patent for the purpose of deceiving the public.

**COUNT CIII
THE '515 PATENT**

**FALSE MARKING OF
0409-3255-03 - TOBRAMYCIN, ADD-VANTAGE VIALS (10 ML)**

693. Plaintiff incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

694. Hospira manufactures and sells a product identified as 0409-3255-03 - TOBRAMYCIN, ADD-VANTAGE VIALS (10 ML).

695. Since November 21, 2005, Hospira has marked, and continues to mark the 0409-3255-03 - TOBRAMYCIN, ADD-VANTAGE VIALS (10 ML) with the '515 Patent.

696. Because the '515 Patent expired on November 21, 2005, the 0409-3255-03 - TOBRAMYCIN, ADD-VANTAGE VIALS (10 ML) was no longer covered by the '515 Patent after that date.

697. Hospira knew or reasonably should have known that each unit of the 0409-3255-03 - TOBRAMYCIN, ADD-VANTAGE VIALS (10 ML) manufactured and sold since November 21, 2005 was not covered by the '515 Patent.

698. Hospira has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of 0409-3255-03 - TOBRAMYCIN, ADD-VANTAGE VIALS (10 ML) with the '515 Patent since November 21, 2005 for the purpose of deceiving the public.

**COUNT CIV
THE '515 PATENT**

**FALSE MARKING OF
0409-4350-03 - DILTIAZEM HCL (100 MG)**

699. Plaintiff incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

700. Hospira manufactures and sells a product identified as 0409-4350-03 - DILTIAZEM HCL (100 MG).

701. Since November 21, 2005, Hospira has marked, and continues to mark the 0409-4350-03 - DILTIAZEM HCL (100 MG) with the '515 Patent.

702. Because the '515 Patent expired on November 21, 2005, the 0409-4350-03 - DILTIAZEM HCL (100 MG) was no longer covered by the '515 Patent after that date.

703. Hospira knew or reasonably should have known that each unit of the 0409-4350-03 - DILTIAZEM HCL (100 MG) manufactured and sold since November 21, 2005 was not covered by the '515 Patent.

704. Hospira has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of 0409-4350-03 - DILTIAZEM HCL (100 MG) with the '515 Patent since November 21, 2005 for the purpose of deceiving the public.

**COUNT CV
THE '515 PATENT**

**FALSE MARKING OF
0409-4053-03 - CLINDAMYCIN PHOSPHATE INJECTION (150 MG/ML)**

705. Plaintiff incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

706. Hospira manufactures and sells a product identified as 0409-4053-03 - CLINDAMYCIN PHOSPHATE INJECTION (150 MG/ML).

707. Since November 21, 2005, Hospira has marked, and continues to mark the 0409-4053-03 - CLINDAMYCIN PHOSPHATE INJECTION (150 MG/ML) with the '515 Patent.

708. Because the '515 Patent expired on November 21, 2005, the 0409-4053-03 - CLINDAMYCIN PHOSPHATE INJECTION (150 MG/ML) was no longer covered by the '515 Patent after that date.

709. Hospira knew or reasonably should have known that each unit of the 0409-4053-03 - CLINDAMYCIN PHOSPHATE INJECTION (150 MG/ML) manufactured and sold since November 21, 2005 was not covered by the '515 Patent.

710. Hospira has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of 0409-4053-03 - CLINDAMYCIN PHOSPHATE INJECTION (150 MG/ML) with the '515 Patent since November 21, 2005 for the purpose of deceiving the public.

**COUNT CVI
THE '515 PATENT**

**FALSE MARKING OF
0409-6476-44 - ERYTHROCIN LACTOBIONATE, ADD-VANTAGE VIALS (500 ML)**

711. Plaintiff incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

712. Hospira manufactures and sells a product identified as 0409-6476-44 - ERYTHROCIN LACTOBIONATE, ADD-VANTAGE VIALS (500 ML).

713. Since November 21, 2005, Hospira has marked, and continues to mark the 0409-6476-44 - ERYTHROCIN LACTOBIONATE, ADD-VANTAGE VIALS (500 ML) with the '515 Patent.

714. Because the '515 Patent expired on November 21, 2005, the 0409-6476-44 - ERYTHROCIN LACTOBIONATE, ADD-VANTAGE VIALS (500 ML) was no longer covered by the '515 Patent after that date.

715. Hospira knew or reasonably should have known that each unit of the 0409-6476-44 - ERYTHROCIN LACTOBIONATE, ADD-VANTAGE VIALS (500 ML) manufactured and sold since November 21, 2005 was not covered by the '515 Patent.

716. Hospira has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of 0409-6476-44 - ERYTHROCIN LACTOBIONATE, ADD-VANTAGE VIALS (500 ML) with the '515 Patent since November 21, 2005 for the purpose of deceiving the public.

**COUNT CVII
THE '515 PATENT**

**FALSE MARKING OF
0409-6478-44 - ERYTHROCIN LACTOBIONATE, ADD-VANTAGE VIALS (1000 ML)**

717. Plaintiff incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

718. Hospira manufactures and sells a product identified as 0409-6478-44 - ERYTHROCIN LACTOBIONATE, ADD-VANTAGE VIALS (1000 ML).

719. Since November 21, 2005, Hospira has marked, and continues to mark the 0409-6478-44 - ERYTHROCIN LACTOBIONATE, ADD-VANTAGE VIALS (1000 ML) with the '515 Patent.

720. Because the '515 Patent expired on November 21, 2005, the 0409-6478-44 - ERYTHROCIN LACTOBIONATE, ADD-VANTAGE VIALS (1000 ML) was no longer covered by the '515 Patent after that date.

721. Hospira knew or reasonably should have known that each unit of the 0409-6478-44 - ERYTHROCIN LACTOBIONATE, ADD-VANTAGE VIALS (1000 ML) manufactured and sold since November 21, 2005 was not covered by the '515 Patent.

722. Hospira has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of 0409-6478-44 - ERYTHROCIN LACTOBIONATE, ADD-VANTAGE VIALS (1000 ML) with the '515 Patent since November 21, 2005 for the purpose of deceiving the public.

**COUNT CVIII
THE '515 PATENT**

**FALSE MARKING OF
0409-6534-01 - VANCOMYCIN HCL, ADD-VANTAGE VIALS (500 ML)**

723. Plaintiff incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

724. Hospira manufactures and sells a product identified as 0409-6534-01 - VANCOMYCIN HCL, ADD-VANTAGE VIALS (500 ML).

725. Since November 21, 2005, Hospira has marked, and continues to mark the 0409-6534-01 - VANCOMYCIN HCL, ADD-VANTAGE VIALS (500 ML) with the '515 Patent.

726. Because the '515 Patent expired on November 21, 2005, the 0409-6534-01 - VANCOMYCIN HCL, ADD-VANTAGE VIALS (500 ML) was no longer covered by the '515 Patent after that date.

727. Hospira knew or reasonably should have known that each unit of the 0409-6534-01 - VANCOMYCIN HCL, ADD-VANTAGE VIALS (500 ML) manufactured and sold since November 21, 2005 was not covered by the '515 Patent.

728. Hospira has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of 0409-6534-01 - VANCOMYCIN HCL, ADD-VANTAGE VIALS (500 ML) with the '515 Patent since November 21, 2005 for the purpose of deceiving the public.

**COUNT CIX
THE '515 PATENT**

**FALSE MARKING OF
0409-6535-01 - VANCOMYCIN HCL, ADD-VANTAGE VIALS (1000 ML)**

729. Plaintiff incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

730. Hospira manufactures and sells a product identified as 0409-6535-01 - VANCOMYCIN HCL, ADD-VANTAGE VIALS (1000 ML).

731. Since November 21, 2005, Hospira has marked, and continues to mark the 0409-6535-01 - VANCOMYCIN HCL, ADD-VANTAGE VIALS (1000 ML) with the '515 Patent.

732. Because the '515 Patent expired on November 21, 2005, the 0409-6535-01 - VANCOMYCIN HCL, ADD-VANTAGE VIALS (1000 ML) was no longer covered by the '515 Patent after that date.

733. Hospira knew or reasonably should have known that each unit of the 0409-6535-01 - VANCOMYCIN HCL, ADD-VANTAGE VIALS (1000 ML) manufactured and sold since November 21, 2005 was not covered by the '515 Patent.

734. Hospira has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of 0409-6535-01 - VANCOMYCIN HCL, ADD-VANTAGE VIALS (1000 ML) with the '515 Patent since November 21, 2005 for the purpose of deceiving the public.

**COUNT CX
THE '911 PATENT**

**FALSE MARKING OF
0409-7100-02 - 5% DEXTROSE INJECTION (250 ML)**

735. Plaintiff incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

736. Hospira manufactures and sells a product identified as 0409-7100-02 - 5% DEXTROSE INJECTION (250 ML).

737. Since December 9, 2005, Hospira has marked, and continues to mark the 0409-7100-02 - 5% DEXTROSE INJECTION (250 ML) with the '911 Patent.

738. Because the '911 Patent expired on December 9, 2005, the 0409-7100-02 - 5% DEXTROSE INJECTION (250 ML) was no longer covered by the '911 Patent after that date.

739. Hospira knew or reasonably should have known that each unit of the 0409-7100-02 - 5% DEXTROSE INJECTION (250 ML) manufactured and sold since December 9, 2005 was not covered by the '911 Patent.

740. Hospira has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of 0409-7100-02 - 5% DEXTROSE INJECTION (250 ML) with the '911 Patent since December 9, 2005 for the purpose of deceiving the public.

**COUNT CXI
THE '911 PATENT**

**FALSE MARKING OF
0409-7100-66 - 5% DEXTROSE INJECTION (50 ML)**

741. Plaintiff incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

742. Hospira manufactures and sells a product identified as 0409-7100-66 - 5% DEXTROSE INJECTION (50 ML).

743. Since December 9, 2005, Hospira has marked, and continues to mark the 0409-7100-66 - 5% DEXTROSE INJECTION (50 ML) with the '911 Patent.

744. Because the '911 Patent expired on December 9, 2005, the 0409-7100-66 - 5% DEXTROSE INJECTION (50 ML) was no longer covered by the '911 Patent after that date.

745. Hospira knew or reasonably should have known that each unit of the 0409-7100-66 - 5% DEXTROSE INJECTION (50 ML) manufactured and sold since December 9, 2005 was not covered by the '911 Patent.

746. Hospira has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of 0409-7100-66 - 5% DEXTROSE INJECTION (50 ML) with the '911 Patent since December 9, 2005 for the purpose of deceiving the public.

**COUNT CXII
THE '911 PATENT**

**FALSE MARKING OF
0409-7100-67 - 5% DEXTROSE INJECTION (100 ML)**

747. Plaintiff incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

748. Hospira manufactures and sells a product identified as 0409-7100-67 - 5% DEXTROSE INJECTION (100 ML).

749. Since December 9, 2005, Hospira has marked, and continues to mark the 0409-7100-67 - 5% DEXTROSE INJECTION (100 ML) with the '911 Patent.

750. Because the '911 Patent expired on December 9, 2005, the 0409-7100-67 - 5% DEXTROSE INJECTION (100 ML) was no longer covered by the '911 Patent after that date.

751. Hospira knew or reasonably should have known that each unit of the 0409-7100-67 - 5% DEXTROSE INJECTION (100 ML) manufactured and sold since December 9, 2005 was not covered by the '911 Patent.

752. Hospira has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of 0409-7100-67 - 5% DEXTROSE INJECTION (100 ML) with the '911 Patent since December 9, 2005 for the purpose of deceiving the public.

**COUNT CXIII
THE '911 PATENT**

**FALSE MARKING OF
0409-7101-02 - 0.9% SODIUM CHLORIDE INJECTION (250 ML)**

753. Plaintiff incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

754. Hospira manufactures and sells a product identified as 0409-7101-02 - 0.9% SODIUM CHLORIDE INJECTION (250 ML).

755. Since December 9, 2005, Hospira has marked, and continues to mark the 0409-7101-02 - 0.9% SODIUM CHLORIDE INJECTION (250 ML) with the '911 Patent.

756. Because the '911 Patent expired on December 9, 2005, the 0409-7101-02 - 0.9% SODIUM CHLORIDE INJECTION (250 ML) was no longer covered by the '911 Patent after that date.

757. Hospira knew or reasonably should have known that each unit of the 0409-7101-02 - 0.9% SODIUM CHLORIDE INJECTION (250 ML) manufactured and sold since December 9, 2005 was not covered by the '911 Patent.

758. Hospira has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of 0409-7101-02 - 0.9% SODIUM CHLORIDE INJECTION (250 ML) with the '911 Patent since December 9, 2005 for the purpose of deceiving the public.

**COUNT CXIV
THE '911 PATENT**

**FALSE MARKING OF
0409-7101-66 - 0.9% SODIUM CHLORIDE INJECTION (50 ML)**

759. Plaintiff incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

760. Hospira manufactures and sells a product identified as 0409-7101-66 - 0.9% SODIUM CHLORIDE INJECTION (50 ML).

761. Since December 9, 2005, Hospira has marked, and continues to mark the 0409-7101-66 - 0.9% SODIUM CHLORIDE INJECTION (50 ML) with the '911 Patent.

762. Because the '515 Patent expired on December 9, 2005, the 0409-7101-66 - 0.9% SODIUM CHLORIDE INJECTION (50 ML) was no longer covered by the '911 Patent after that date.

763. Hospira knew or reasonably should have known that each unit of the 0409-7101-66 - 0.9% SODIUM CHLORIDE INJECTION (50 ML) manufactured and sold since December 9, 2005 was not covered by the '911 Patent.

764. Hospira has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of 0409-7101-66 - 0.9% SODIUM CHLORIDE INJECTION (50 ML) with the '911 Patent since December 9, 2005 for the purpose of deceiving the public.

**COUNT CXV
THE '911 PATENT**

**FALSE MARKING OF
0409-7101-67 - 0.9% SODIUM CHLORIDE INJECTION (100 ML)**

765. Plaintiff incorporates the allegations of the foregoing paragraphs as though set forth at length herein.

766. Hospira manufactures and sells a product identified as 0409-7101-67 - 0.9% SODIUM CHLORIDE INJECTION (100 ML).

767. Since December 9, 2005, Hospira has marked, and continues to mark the 0409-7101-67 - 0.9% SODIUM CHLORIDE INJECTION (100 ML) with the '911 Patent.

768. Because the '911 Patent expired on December 9, 2005, the 0409-7101-67 - 0.9% SODIUM CHLORIDE INJECTION (100 ML) was no longer covered by the '911 Patent after that date.

769. Hospira knew or reasonably should have known that each unit of the 0409-7101-67 - 0.9% SODIUM CHLORIDE INJECTION (100 ML) manufactured and sold since December 9, 2005 was not covered by the '911 Patent.

770. Hospira has violated 35 U.S.C. § 292(a) by marking or causing to be marked each unit of 0409-7101-67 - 0.9% SODIUM CHLORIDE INJECTION (100 ML) with the '911 Patent since December 9, 2005 for the purpose of deceiving the public.

PENALTY

771. Each marking of the '472 Patent, the '765 Patent, the '267 Patent, the '515 Patent, and the '911 Patent on each article of the products identified herein constitutes an individual

false marking offense that has injured and continues to injure the sovereign interests of the United States of America as well as the public interest, and has discouraged or deterred and continues to discourage or deter honest competition and innovation in competing products.

772. Each use in advertising of the '472 Patent, the '765 Patent, the '267 Patent, the '515 Patent, and the '911 Patent in connection with each article of the products identified herein constitutes a false marking offense that has injured and continues to injure the sovereign interest of the United States of America as well as the public interest, and has discouraged or deterred and continues to discourage or deter honest competition and innovation in competing products.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff/Relator Hollander respectfully requests that this Court:

- a. Find that Hospira's manufacture, advertising, and sale of products with false patent markings or false patent assertions violate 35 U.S.C. §292(a);
- b. Enter judgment against Hospira and in favor of Hollander;
- c. Determine an appropriate fine, of not more than \$500 per offense, but sufficient to penalize Hospira's violations of § 292(a) and to deter Hospira and others similarly situated from violating § 292(a) in the future, for each offense of false marking, one-half of which shall be paid to the United States of America and the other half of which shall be paid to Hollander;
- d. Award Hollander the costs incurred in this litigation;
- e. Determine that the present case is exceptional under 35 U.S.C. § 285 and, based on such determination, award Hollander reasonable attorney fees; and

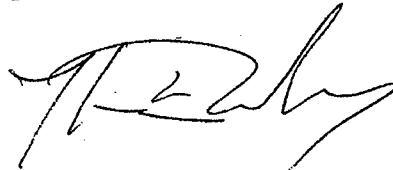
- f. Grant Hollander such other and further relief as this Honorable Court shall deem just and equitable.

REQUEST FOR JURY TRIAL

Pursuant to Fed. R. Civ. P. 38(b)(1), Hollander hereby demands a jury trial on all issues so triable.

Dated: January 19, 2010

Respectfully submitted,



BY:

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*Attorneys for Plaintiff/Relator
Bentley A. Hollander*